

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :Hiromi MATSUZAKI et al.

Group Art Unit : 3738

Appl. No. : 10/596,303

Examiner : Megan Wolf

I.A. Filed : December 9, 2004

Confirmation No. : 5121

For : BONE REPLACEMENT MATERIAL

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Amendment**
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Your petitioners, PENTAX CORPORATION, a corporation of, Japan, whose business address is 36-9, MAENOCHO 2-CHOME, ITABASHI-KU, TOKYO, JAPAN 174-8639, and HIROMI MATSUZAKI, of 33-6, KAMITAKADA 4-CHOME, NAKANO-KU, TOKYO, JAPAN 164-0002, represent that they are the owners of record of the entire right, title and interest of the above-identified application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on January 26, 2007, at Reel 018812, Frame 0940 (4 pages), and of U.S. Patent No. 7,238,209, recorded in the U.S. Patent and Trademark Office on September 22, 2003, at Reel 014508, Frame 0676 (4 pages).

The undersigned is an attorney or agent of record authorized to act on behalf of the assignees in the filing of this terminal disclaimer.

Your petitioners, PENTAX CORPORATION and HIROMI MATSUZAKI, hereby disclaim, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,238,209, and hereby agrees that any patent so granted on the above-identified application shall

be enforceable only for and during such period that it and U.S. Patent No. 7,238,209, are commonly owned. This agreement runs with any patent granted on the above-identified Application No. 10/596,303 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Patent No. U.S. Patent No. 7,238,209, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,
Hiromi MATSUZAKI et al.



Sean Myers-Payne
Reg. No. 42,920

May 17, 2011
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